

BEFORE THE HEARINGS OFFICER FOR KLAMATH COUNTY

In the matter of the request
for a Conditional Use Permit

Conditional Use Permit
Case No. CUP 40-97
Land Partition
Case No. LP 32-97

Greg and Tracie Chandler
Applicants

9/ 10/ 20 P137

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on November 7, 1997, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Assistant Planner Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The Klamath County Planning Department staff report was received. The Applicants appeared. Based upon the evaluation of the Staff Report and consideration of the other evidence received, the Hearings Officer makes the following findings of fact and conclusions and makes the following decision.

FINDINGS OF FACT

The Applicants want to partition an approximate 2.4 acre parcel into two 1.2 acre parcels which would each accommodate a single family non-farm residence. The subject

property is located within an EFU Zone and the subject parcel was created for non-farm use by a Land Partition prior to January 1, 1993. DLCD advised the Klamath County Planning Dept. that HB 3063 allows redivision of parcels existing as of July 1, 1997. The applicants have satisfactorily shown that the subject property cannot be reasonably combined with other properties to form a farm unit and that their proposed use meets the requirements of the KCLDC Articles 44.030 A, B and C, 54.070 and 54.090 B.

CONCLUSION

The requested Land Partition and Conditional Use Permit proposes use which will not adversely effect agricultural activities. There is no basis upon which to deny the Applicants' request.

ORDER

The requested Land Partition and Conditional Use Permit is approved. The Applicants shall comply with all requirements of the Klamath County Health, Building and Planning Departments and the requirements provided in the KCLDC Article 54.070 C.

Dated this 18th day of November, 1997

38149

Michael L. Brant

Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

REQUIREMENTS FOR FINAL APPROVAL

38150

Partition No. LP 32-97/Chandler

NOTE: THIS APPLICATION WILL EXPIRE ONE YEAR FROM THE PRELIMINARY APPROVAL DATE IF A TIME EXTENSION APPLICATION IS NOT MADE PRIOR TO THAT DATE.

FINAL PLAT REQUIREMENTS (Per Section 45.110 of the Land Development Code)

- A. Original Drawing - The original drawing of a partition plat shall be made in permanent black India type ink on 7 mil mylar, 18 inches by 24 inches in size with an additional 3 inch binding edge on the left side. The plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than 1 inch. The original drawing shall be recorded in the County Clerk's office.
- B. Copy - One exact copy of the original plat made in permanent black India type ink or silver halide permanent photocopy on minimum 4 mil mylar, 18 inches by 24 inches in size shall be submitted to the Planning Director along with the original plat.
- C. Information shown on Plat:
 1. The partition number.
 2. The name of the person for whom the partition was made.
 3. Signature Blocks for the following:
 - a. Planning Director;
 - b. County Surveyor;
 - c. County Public Works Director (if applicable);
 - d. County Clerk;
 - e. Owner and contract purchaser of the subject property (if applicable).
 4. All requirements of ORS 92.050, 92.070(1), and ORS 209.250 where applicable.
 5. Street names adjacent to the partition.
 6. Water rights recording number. If a water right is not appurtenant to the property, a statement signed by the owner indicating such shall be shown on the plat.
- D. Supplemental Information to be filed with the Final Plat:
 1. A preliminary title report or partition guarantee issued by a title company in the name of the owner of the land and prepared within 30 days prior to submittal of the final plat showing all parties having any record title interest in the premises and what interest they have.
 2. A completed water rights statement if a water right is appurtenant to the property.

OTHER REQUIREMENTS:

1. Applicant is required to pay all advalorem taxes, any additional taxes, special assessments, fees, interest and penalties prior to partition being recorded.
2. To establish a residence or other use where domestic sewage wastes will be generated on this parcel, applicant needs to comply with OAR Chapter 340 for on-site sewage disposal.
3. The partition must be surveyed and monumented in accordance with ORS Chapter 92.
4. A permit must be obtained from the Dept. of Public Works prior to the construction of driveways that connect with Vale Road.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Hearings Officer the 20th day of November A.D. 19 97 at 1:37 o'clock P. M., and duly recorded in Vol. M97 of Deeds on Page 38147.

FEE No Fee

Return: Commissioners Journal

By Bernetha G. Leisch, County Clerk
Kathleen Rose